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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re RIPPLE LABS INC. LITIGATION,

Case No. 18-cv-06753-PJH

This Document Relates To:
All Actions

**DECLARATION OF KATHLEEN HARTNETT
IN SUPPORT OF DEFENDANTS' REQUEST
FOR JUDICIAL NOTICE**

Date: January 15, 2020
Time: 9:00 a.m.
Place: Courtroom 3
Judge: Hon. Phyllis J. Hamilton

Consolidated Complaint filed: August 5, 2019

[FILED CONCURRENTLY WITH
NOTICE OF MOTION AND MOTION TO
DISMISS, MEMORANDUM OF POINTS AND
AUTHORITIES; REQUEST FOR JUDICIAL
NOTICE]

DECLARATION OF KATHLEEN HARTNETT

I, Kathleen R. Hartnett, declare and state as follows:

1. I am a partner with the law firm Boies Schiller Flexner LLP, attorneys of record in this action for defendants Ripple Labs Inc. (“Ripple”), XRP II, LLC (“XRP II”), and Bradley Garlinghouse (collectively, “Defendants”). I am a member of good standing of the Bar of the State of California, and I am admitted to practice before this Court. I have personal knowledge of the matters set forth in this declaration, and if called upon to do so, I would testify competently to them.

2. Plaintiff’s Consolidated Complaint for Violations of Federal and California Law (“Complaint”) cites the Statement of Facts from the federal government’s May 2015 settlement agreement with Ripple and XRP II. Complaint ¶ 2 & n.2; *see also id.* ¶¶ 25, 112. The Statement of Facts is available at https://www.fincen.gov/sites/default/files/shared/Ripple_Facts.pdf. A true and correct copy of the Statement of Facts is attached as **Exhibit A**.

3. Plaintiff’s Complaint cites and quotes from the “Ripple credits” page of Ripple’s Wiki website. Complaint ¶ 24 & n.7, ¶ 130 & n.91, ¶ 145 & n.99. This webpage does not exist at the link Plaintiff repeatedly cites in his Complaint. However, an archived copy of the webpage from September 28, 2017 (the most recent version on archive.org) containing the language Plaintiff quotes is available at https://web.archive.org/web/20170928101259/https://wiki.ripple.com/Ripple_credits. A true and correct copy of this archived “Ripple credits” webpage is attached as **Exhibit B**.

4. Plaintiff’s Complaint cites and quotes from the “Q1 2018 XRP Markets Report” page of Ripple’s website. Complaint ¶ 36 & n.16. This webpage, dated April 25, 2018, is available at <https://www.ripple.com/insights/q1-2018-xrp-markets-report>. A true and correct copy of this webpage is attached as **Exhibit C**.

5. Plaintiff’s Complaint cites a CNBC article titled “Ripple is sitting on close to \$80 billion and could cash out hundreds of millions per month—but it isn’t.” Complaint ¶ 52. This article, published Jan. 16, 2018, is available at <https://www.cnbc.com/2018/01/16/why-ripple-is-not-cashing-out-its-xrp-holdings.html>. A true and correct copy of the article is attached as **Exhibit D**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 19, 2019, in Oakland, California.

/s/ Kathleen R. Hartnett

Kathleen R. Hartnett